

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:06CV53-H**

**GAY P. MILLER,**

**Plaintiff,**

**v.**

**HMS HOST FAMILY RESTAURANTS,  
INC. d/b/a STOCK CAR CAFÉ,**

**Defendant.**

**ORDER**

**THIS MATTER** is before the Court to set a deadline by which the parties to this action must file their Stipulation of Dismissal. The subject action was removed to this Court on February 9, 2006, and the Court was notified of its settlement on March 23, 2007. Since that date, the Court has allowed this case to remain open, for an additional eight months, while waiting for Plaintiff's counsel to file a Motion to Reduce or Extinguish Workers' Compensation Lien. This final motion has been filed and resolved by the Court, and the only remaining action necessary is the filing of the Stipulation of Dismissal.

Both parties are hereby **ORDERED** to file their Joint Stipulation of Dismissal on or before **FEBRUARY 14, 2008**. Should the parties not meet this deadline, the Court will, with the knowledge that the settlement has been accepted by the Plaintiff, dismiss this action upon its own motion.

Signed: January 14, 2008

**SO ORDERED.**

*Carl Horn, III*

Carl Horn, III  
United States Magistrate Judge

